



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 29, 1995

Mr. Norbert J. Hart
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR95-158

Dear Mr. Hart:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30992.

The City of Corpus Christi (the "city") received an open records request for "any information relating to a Worker's Compensation claim relating to" a former police officer with the city. You contend the requested information is deemed confidential by section 402.083 of the Labor Code and thus must be withheld from the public pursuant to section 552.101 of the Government Code.¹ Section 402.083(a) of the Labor Code provides:

Information in or derived from a [worker's compensation] claim file regarding an employee is confidential and may not be disclosed by the [Workers' Compensation Commission] except as provided by this subtitle. (Emphasis added.)

Your request is governed by Open Records Decision No. 533 (1989) (copy enclosed), in which this office discussed the applicability of the statutory predecessor to section 402.083 of the Labor Code, section 9a of former article 8307, V.T.C.S., to information held by a city. This office concluded as follows:

¹Section 552.101 protects from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

Under the provisions of article 8307, section 9a, the report of first injury or illness in a worker's compensation claim -- indeed, all information in a worker's compensation file held by the Industrial Accident Board -- is deemed confidential and may not be released by the Industrial Accident Board or by anyone else who has lawfully acquired the information, except as provided in article 8307, section. 9a. The statute contemplates acquisition of the information from the board and prohibits further dissemination by an agency, person or entity that has acquired the information from the board. Here, the city did not acquire the information from the board, but rather furnished the information to the board. Therefore, the city is not, in this instance, within the coverage of the confidentiality rule. . . .

. . . . Therefore, information in a worker's compensation claim file held by the Industrial Accident Board is deemed confidential by law, but information in a worker's compensation claim file held by a public employer, who is covered by the Open Records Act, falls outside the scope of section 9a if it comprises information not obtained from the board, and is not therefore protected per se by statute from public disclosure.

Open Records Decision No. 533 (1989) at 5-6. Accordingly, the requested information held by the city is not deemed confidential under section 402.083 of the Labor Code. You have raised no other exception to required public disclosure with regard to this information. The city therefore must release all responsive documents to the requestor except to the extent that the city obtained the records from the Workers' Compensation Commission.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Loretta DeHay".

Loretta R. DeHay
Assistant Attorney General
Open Government Section

Ref.: ID# 30992

Enclosures: Open Records Decision No. 533
Submitted documents

cc: Mr. Kelly Riddle
President
Kelmar & Associates
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San Antonio, Texas 78230
(w/o enclosures)